

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SY-05 SCCT-01 NEA-09 SAM-01

IO-10 /077 W

----- 108788

O R 301415Z APR 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 838

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO

AMCONSUL DUESSELDORF

AMCONSUL MUNICH

CINCEUR FOR POLAD AND OPS

CINCUSAFE FOR POLAD, OPS AND INCO

:CINCUSAREUR FOR POLAD, OPS, AEAGC-COC & AEAAG-AP

USELMLO

C O N F I D E N T I A L USBERLIN 835

E.O. 11652: GDS

TAGS: PGOV, PINT, PINS, WB, GW

SUBJECT: RETURN OF TERRORISTS TO WEST GERMANY

1. HEAD OF CHANCELLERY HERZ INFORMED ALLIED POLADS APRIL 30
THAT GOVERNING MAYOR HAD BEEN URGENTLY SUMMONED THAT
MORNING TO MEETING IN BONN TOGETHER WITH MINISTER
PRESIDENTS OF BAVARIA AND NORTH RHEIN-WESTPHALIA
TO DISCUSS RETURN OF FIVE TERRORISTS FLOWN TO ADEN IN
CONJUNCTION WITH LORENZ-KIDNAPPING AFFAIR.
HERZ SAID FRG WISHED TO DECIDE IN FIRST INSTANCE
WHETHER TO REQUEST OR DEMAND RETURN OF TERRORISTS OR
WHETHER TO WAIT FOR YEMEN TO TAKE INITIATIVE AS
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PRESS HAD REPORTED IT MIGHT DO FOLLOWING SWEDEN'S

RETURN OF TERRORISTS WHO ATTACKED GERMAN EMBASSY
(EVEN THOUGH SWEDEN LIKE YEMEN HAD NO EXTRADITION
TREATY WITH FRG). IN ANY EVENT, HERZ SAID IT WAS
INTENDED THAT PRISONERS IF RETURNED WOULD BE REMANDED
TO PRISONS IN LAENDER IN WHICH THEY HAD ORIGINALLY BEEN
HELD, I.E., TWO OF THEM WOULD BE RETURNED TO BERLIN. HE SAID
SOME ACTION MIGHT BE EXPECTED WITHIN NEXT DAY OR TWO.

2. ALL THREE POLADS URGED THAT ALTERNATIVES BE
CONSIDERED. FRENCH POLAD SUGGESTED CONSIDERATION BE
GIVEN AS TO WHETHER PRISONERS MIGHT NOT BE HELD
ELSEWHERE ON BASIS OF LAENDER AGREEMENT ON MUTUAL
ASSISTANCE IN LEGAL MATTERS, AND US POLAD SUGGESTED
THAT FRG-BERLIN TIES COULD JUST AS WELL BE DEMONSTRATED
BY NOT RETURNING PRISONERS AS BY RETURNING THEM.
HERZ RESPONDED THAT CLEARLY THERE WAS NO DESIRE TO
UNDERTAKE ADDITIONAL RISKS ENTAILED IN HOLDING
PRISONERS IN BERLIN, BUT THAT THERE WAS NO CHOICE IN
MATTER UNDER GERMAN LAW, I.E., PRE-TRIAL INVESTIGATION
AND TRIALS MUST TAKE PLACE IN JURISDICTION WHERE
ACTION ORIGINATED.

3. ASKED HOW PRISONERS WOULD BE TRANSPORTED TO BERLIN,
HERZ SAID THIS WAS MATTER FOR FRG TO WORK OUT, BUT
HE ACKNOWLEDGED THERE COULD BE DIFFICULTIES. POLADS
IN TURN SAID THEY WERE IN NO POSITION TO GIVE ANY
ASSURANCES ON THIS SCORE.

4. USCOB CONCURS. GEORGE

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